

RATIONALE

State of Tennessee General NPDES Permit for Discharges of Hydrostatic Test Water

Prepared by: Ms. Erin O'Brien, Permit Section
Tennessee Division of Water Pollution Control

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1. Introduction

The purpose of this rationale sheet is to propose State of Tennessee and National Pollutant Discharge Elimination System (NPDES) discharge permit conditions and related general permit procedures for discharges of hydrostatic test water from new facilities, unused facilities, and from used facilities which have been used for the transportation or storage of natural gas, crude oil, or liquid or gaseous petroleum hydrocarbons. These facilities include, but are not limited to, pipelines, flowlines, and storage tanks.

2. Background

Since the issuance of the previous NPDES general permit for discharges of hydrostatic test water, the Division has received about 126 applications to discharge hydrostatic test water. These discharges are similar in several ways, they are primarily: 1) for one-time discharges; 2) from metallic vessels; and 3) the used vessels, as addressed in this general permit, have transported or contained petroleum or petroleum-derived gases or liquids.

As such, the discharges generally require the same effluent limitations and monitoring requirements. Since the permit requirements for all these discharges are similar and because of the number of discharges, it is the opinion of the Division of Water Pollution Control that this category of sources is controlled more appropriately under a NPDES general permit rather than under individual permits. General NPDES permits are issued by the Division of Water Pollution Control in accordance with the Division's Rule 1200-4-10-.01 through .03.

3. Present Permit Conditions

The present NPDES General Permit for Discharges of Hydrostatic Test Water was issued on September 26, 2000, and it expires on September 30, 2005. The present permit protects the quality of waters of the state by regulating the quality of water discharged from hydrostatic testing activities. Pollutants regulated under the present permit include chlorine, solids, iron, oil and grease, hydrocarbons, and PCBs. Potential source(s) for these pollutants are as follows:

<u>Pollutants</u>	<u>Source(s)</u>
Chlorine	present in intake water if a municipal water supply is used
Solids	present in intake water; erosion of soil over which discharge is routed

Iron	present in intake water and from pipe
Oil and Grease	equipment used to conduct tests (valves, pumps, welders, vehicles); rust inhibitor in new pipe
Hydrocarbons	collected in condensate within the pipeline (only in used pipe)
PCBs	collected in condensate within the pipeline (only in used pipe) from PCB compressor lubricants used during the 1960's and 70's.

4. Proposed Changes in the New Hydrostatic Test Water Permit

4.1. References to TDEC's "Environmental Assistance Centers" were changed to "Environmental Field Offices"

4.2. Limitations on coverage were clarified

The limitations on coverage were expanded to clarify the discharges that are not covered by the proposed permit. Explanations were added to prohibit the following discharges:

- Storm water discharges
- Discharges covered by another permit
- Discharges into High Quality Waters
- Discharges not protection of federal or state listed threatened and endangered species, species deemed in need of management or special concern species
- Discharges negatively affecting a property on the national historic register
- Discharges into receiving waters with an approved TMDL analysis

4.3. Signatory Requirements were updated to reflect changes published in 40CFR 122.22 (July 1, 2001 Edition, page 155)

Signatory requirements were updated to reflect changes published in 40CFR 122.22, as shown below:

1. Signatory Requirements for a Notice of Intent

Notice of Intent shall be signed as follows:

a) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

- (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (2) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. NOTE: EPA does not require specific assignments or delegations of authority to responsible corporate officers identified in § 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under § 122.22(a)(1)(ii) rather than to specific individuals.

- b) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or
- c) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

2. Signatory Requirements for Reports

All reports required by the permit and other information requested by the division shall be signed as follows:

- a) All reports required by permits, and other information requested by the director shall be signed by a person described in paragraph 6.7.1. (Signatory Requirements for a Notice of Intent) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- (1) The authorization is made in writing by a person described in paragraph 6.7.1. (Signatory Requirements for a Notice of Intent) of this section;
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,
- (3) The written authorization is submitted to the Director.

b) Changes to authorization

If an authorization under paragraph a)(2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph a)(2) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

c) Certification

Any person signing a document under paragraph a) (1) or (2) of this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

4.4. Effluent limitation for PCB's updated

The discharge limit for PCB's was updated from 0.0002 mg/l to 0.00064 µg/l to reflect the Department's current Water Quality Criteria for total PCB's (Rule 1200-4-3-.03).

5. General Permit Issuance Procedures

This general permit is drafted in accordance with applicable NPDES regulations (40 CDR 122, 123, 124 and 125), the Tennessee Water Quality Control Act (§ 69-3-101 et seq.), and the Department's permit issuance regulations (Rules of the Department 1200-4-1-.05 and 1200-4-10.01 through .03).

6. Permit Issuance and Public Notice Procedures

This general permit is drafted in accordance with applicable NPDES regulations (40 CFR 122, 123, 124, and 125), the Tennessee Water Quality Control Act (T.C.A. § 69-3-101, et.seq.), and the TDEC's permit issuance regulations in TN Rule 1200-4-05.

The applicable regulations for issuance of this general permit are found in 40 CFR 122.28 and 123.44, and the regulations for fact sheet requirements are found in 40 CFR 124.8 and 124.56.

The division will publish notice of its intent to issue the Hydrostatic Test Water permit and notice of one or more public hearings to receive comments on the draft permit. At least 30 days notice will be given for the public hearings. Comments will be received at least 10 ten days after the last hearing. Any interested person may request copies of the rationale (fact sheet) and draft permit and submit written comments on the draft permit.

The division will hold a public hearing Nashville, Tennessee.

For additional information contact:

<p>Ms. Erin O'Brien Tennessee Division of Water Pollution Control 6th Floor L & C Annex 401 Church Street Nashville, TN 37243-1534</p> <p>Phone: (615) 253-2245 E-mail: Erin.O'Brien@state.tn.us URL: http://www.state.tn.us/environment/permits/hydrostat.php</p>
